

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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NESTOR QUINTANA,

Petitioner,

v.

STATE OF NEVADA, *et al.*,

Respondents.

Case No.: 2:22-cv-00463-APG-NJK

Order Dismissing Action

Petitioner, Nestor Quintana, has submitted for filing a petition for writ of habeas corpus under 28 U.S.C. § 2254, and a motion for appointment of counsel (ECF No. 1-1). Those documents have not yet been filed because Quintana has not paid the \$5 filing fee and he has not submitted an application to proceed in forma pauperis. Quintana states in a notice attached to his petition (ECF No. 1-1, p. 18) that he has taken action to have the filing fee for this case paid. Also, Quintana has filed a notice (ECF No. 3) stating that he sent payment of the filing fee to the Court, but it was applied to a separate habeas corpus case that he initiated, Case No. 2:22-cv-00437-APG-NJK.

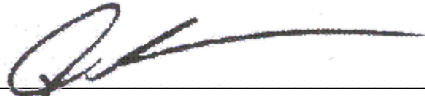
That other case, Case No. 2:22-cv-00437-APG-NJK, is also a petition for writ of habeas corpus, apparently challenging the same conviction and sentence that Quintana challenges in this case. The petition in Case No. 2:22-cv-00437-APG-NJK is identical to the petition in this case, except for an inconsequential difference in the caption of the petition and a different date of Quintana's signature (four days later in this case).

1 I have dismissed Quintana's petition in Case No. 2:22-cv-00437-APG-NJK, finding that
2 it does not state a claim for habeas corpus relief, and the judgment has been entered in that case.
3 (ECF Nos. 4 and 5 in Case No. 2:22-cv-00437-APG-NJK). I will dismiss this action because it is
4 duplicative of Case No. 2:22-cv-00437-APG-NJK.

5 I THEREFORE ORDER that this action is DISMISSED as duplicative of Case No.
6 2:22-cv-00437-APG-NJK. The Clerk will enter judgment accordingly and close this case.

7 I FURTHER ORDER that a certificate of appealability is DENIED, as jurists of reason
8 would not find it debatable whether I am correct in my ruling.

9 Dated: March 22, 2022

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12 U.S. District Judge Andrew P. Gordon
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